

**Terrasa, Jen**

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**From:** Terrasa, Jen  
**Sent:** Sunday, June 02, 2013 8:33 PM  
**To:** McLaughlin, Marsha  
**Subject:** Technical staff report for comp zoning

Did you ever send us the technical staff report? I can't remember where we left things with that.

All the best,  
Jen

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## PRELIMINARY COMPREHENSIVE ZONING PLAN

### TECHNICAL STAFF REPORT

*First Planning Board Hearing of March 27, 2013*

*Second Planning Board Hearing of April 8, 2003*

*County Council Hearing to be scheduled*

#### I. GENERAL DESCRIPTION OF PROPOSAL

- **The Comprehensive Zoning Plan includes amendments to both the Zoning Maps and the Zoning Regulations. The Zoning Map amendment proposals are specified in two charts; a chart that contains the amendment proposals recommended by the Department of Planning and Zoning (DPZ), which is attached as Exhibit A, and a chart that contains the amendment proposals that are not recommended, which is attached as Exhibit B. The DPZ rationale for the various map amendment proposals is briefly stated in the Comments section of the charts.**
- **This Technical Staff report principally provides an overview of the proposed Zoning Regulation Amendments. Over the past year, the Department of Planning and Zoning has developed a revised edition of the Zoning Regulations, which is now presented as a preliminary draft for consideration by the public, the Planning Board, and ultimately, the County Council.**

The Preliminary Comprehensive Zoning Plan contains significant refinements, updated components, and new concepts that are intended as improvements to future zoning and development processes, as well as improvements to the Zoning Regulations as a working document that will continue to evolve as Howard County continues to grow and evolve over the years.

- **Although more detailed descriptions of the proposed additions and changes to the Zoning Regulations are provided below, the following is a brief overview of the regulation amendments that are included as part of the Preliminary Comprehensive Zoning Plan. The new Zoning Regulations are intended to:**
  - Make the Zoning Regulations more “farm and farmer friendly”, and provide a better distinction between bona fide farms and principally residential properties.
  - Provide some additional flexibility with certain zoning procedures to better address what can be challenging and changeable market conditions, especially in the US Route 1 Corridor.

## I. GENERAL DESCRIPTION OF PROPOSAL

- Establish three new zoning districts: the BRX (Business Rural Crossroads) District, a floating zone devised to provide some avenue for growth in certain commercial rural crossroads; the CR (Commercial Redevelopment) District, an overlay zone, planned-development option for specifically targeted locations within the US Route 1 Corridor; and the R-A-25 (Residential Apartments) District to allow for higher-density multi-story residential developments in select, appropriate locations.
- Add a minimum Moderate Income Housing Unit (MIHU) requirement to most zoning districts that do not currently have such a requirement.
- Eliminate unused or underused Zoning Districts (CC and SC).
- Include newer uses and address certain land use trends.
- Resolve recognized zoning enforcement difficulties by incorporating longstanding interpretation policies as new regulations.
- Incorporate certain revisions to clarify limitations and improve enforcement capabilities related to residential neighborhood appearance issues, accessory structures, and home occupations.
- Simplify confusing regulations to the extent that is possible with often complex zoning issues, and make minor revisions throughout the Zoning Regulations to ensure better consistency.
- Improve certain elements of the document format to eliminate unnecessary repetition, to assist in finding information, and to better enable the Zoning Regulations to change in future amendments without overly affecting consistency and cross referencing.
- **Due to the scope, and sometimes complexity, of the proposed changes to the Zoning Regulations the best understanding can only be achieved by reading them entirely as they are proposed. This Technical Staff Report is therefore meant to serve as a basic overview rather than an exhaustive evaluation of all points and concepts.**

## II. ZONING REGULATION AMENDMENTS RELATED TO ACCESSORY USES

- **The various zoning districts contain lists of certain uses that are permitted, but only if they are accessory to a principle use that is permitted as a matter of right.**

One basic intent of the proposed Zoning Regulations is to make the distinction much clearer as to what makes a use truly “accessory” to another use. This is often an important distinction to make, especially in enforcement situations.

Other common issues related to the concept of accessory uses are the regulation of detached accessory structures, and the accessory use of land area for such matters as outdoor storage. These types of accessory use matters are principally addressed in the Supplementary Regulations.

- **Regarding new accessory use categories, the most prominent examples are Accessory Solar Panels, which are proposed to be permitted accessory uses in almost all districts, and Residential Chicken Keeping and Livestock on Residential Lots or Parcels, which are proposed only for certain districts.**

### III. AMENDMENT ELEMENTS BY SECTION

#### **SECTION 100.0: General Provisions**

- Only very minor revisions in this section. The one notable change is to add a provision allowing the Zoning Board to approve variances to the bulk regulations in association with the approval of a Documented Site Plan, which is similar to the current provisions allowing the Zoning Board to approve Conditional Uses in such rezoning cases. Also, unnecessary “grandfathering” provisions in Section 100.E are deleted.

#### **SECTION 101.0: Rules of Construction**

- This section fundamentally remains the same.

#### **SECTION 102.0: Violations, Enforcement, and Penalties**

- This section fundamentally remains the same, with the exception of a minor addition to the Enforcement subsection regarding the need for the submission of adequate information to identify the subject property.

#### **SECTION 103.0: Definitions**

- Section 103.0 as proposed incorporates quite a few revisions and additions. The specific definitions within Section 103.0 are the foundations of the many regulations elsewhere in the Zoning Regulations, so it is necessary to have clear, concise and well-designed definitions.
- One immediately noticeable change is a simple restyling of the format; individual numbers for each definition are eliminated. Numbering an alphabetical list is redundant and unnecessary, and removing them will make it easier to add new definitions in the future, without having to revise numbers or check cross references elsewhere. In addition, the definitions are placed in individual subsections based on the first letter of the term.

**SECTION 103.0: Definitions**

- New definitions are added to define “Commercial Athletic Facility”, Commercial Recreation Facility”, “Flex Space”, “Personal Service Establishments” and “Manufacturing Uses, Light” in order to make it easier for persons seeking to lease commercial and industrial space to determine permitted uses, and to eliminate the often too-precise listing of permitted uses in certain districts.
- The definition for “Farming” is significantly expanded to cover more farming use functions, and also to update it to better address evolving farm practices. A related change is a revised definition for “Farm”, which is necessary to establish a clear distinction between properties which are principally used for farming purposes and properties which are principally used for residential purposes.
- New farming terms are added, such as “Community Supported Agriculture” and “Food Hub”.
- New definitions are added for terms for land use issues that have not previously been addressed in the Zoning Regulations, such as Accessory Family Dwelling, Composting Facility, Electric Vehicle Charging Station, Outdoor Storage, Pawn Shop, and Accessory Solar Collector.
- There are many definitions which are related to land use issues or land use categories which have been previously addressed in the Zoning Regulations in some fashion, but which have been revised or renamed for various purposes. These include Flex Space, Funeral Home, Government, Junk Yard, Kennel, Motor Vehicle Fueling Facility, Personal Service Use, Commercial School, Service Agency, and Structure. These revisions are often necessary to make sure the definitions are consistent with current Zoning Administration interpretations and policies.

**SECTION 104.0 RC (Rural Conservation) District**

**SECTION 105.0 RR (Rural Residential) District**

**SECTION 106.0: DEO (Density Exchange Option) Overlay District**

- These sections are revised to relocate the regulations which pertain to Preservation Easements to an entirely new Section 106.1 that will serve as a “one-stop shop” for issues related to such easements, rather than repeat them in both the RC and RR sections. This new section incorporates regulations previously addressed through policy interpretations and establishes a flexible 2% cumulative cap for conditional uses on County Agricultural Preservation easements.
- A 10% MIHU requirement is added to the RC and RR Districts.
- Minor revisions were necessary in response to the designation of Growth Tiers (CB 37-2012). The CEO density receiving option is retained for small RC receiving minor subdivisions.

**SECTION 106.1: County Preservation Easements (New)**

- This new section incorporates regulations previously addressed through policy interpretations and establishes a flexible 2% cumulative cap for conditional uses on County Agricultural Preservation easements.

**SECTION 107.0: R-ED (Residential: Environmental Development) District**

**SECTION 108.0: R-20 (Residential: Single) District**

**SECTION 109.0: R-12 (Residential: Single) District**

**SECTION 110.0: R-SC (Residential: Single Cluster) District**

- These sections fundamentally remain the same.
- A 10% MIHU requirement is added to all these districts.
- Special maximum density and minimum lot size limitations on small R-20 and R-12 infill subdivisions are added.

**SECTION 111.0: R-SA-8 (Residential: Single Attached) District**

**SECTION 112.0: R-A-15 (Residential: Apartments) District**

- There are no significant revisions to the R-SA-8 District. The potential density that can be received on an R-A-15 property under the Neighborhood Preservation density exchange provisions is proposed to be increased to a maximum 25 dwelling units per net acre.

**SECTION 112.1: R-A-25 (Residential: Apartments) District (NEW)**

- This new district is essentially the same as R-A-15, but with a higher potential density. Having the ability to achieve this higher density will better support land assembly and redevelopment efforts. As reflected on the map amendment charts, the use of this district for these purposes is specifically targeted to locations which are found to be appropriate for these purposes.

**SECTION 113.1: R-MH (Residential: Mobile Home) District**

**SECTION 113.2: R-SI (Residential: Senior – Institutional) District**

➔ **SECTION 113.3: I (Institutional) Overlay District**

**SECTION 114.0: Historic District**

**SECTION 114.1: R-VH (Residential: Village Housing) District**

**SECTION 114.2: HO (Historic: Office) District**

**SECTION 114.3: HC (Historic: Commercial) District**

**SECTION 115.0: POR (Planned Office Research) District**

**SECTION 116.0: PEC (Planned Employment Center) District**

- In these districts there are some minor modifications in response to Comprehensive Zoning Plan text amendment submissions and also updates for consistency with changes being proposed elsewhere in the Zoning Regulations.

**SECTION 117.0: BRX: (Business Rural Crossroads) District (NEW)**

**SECTION 117.1: BR (Business: Rural) District**

- The BRX (Business Rural Crossroads) District is proposed to be established to enable certain rural commercial crossroads, initially in Highland and Dayton, to have the potential to improve and expand. The procedures include architectural design review by the Design Advisory Panel and the evaluation and approval of a Preliminary Development Plan by the Zoning Board.
- The BR district includes some revisions in the types or size of permitted uses to ensure compatibility with rural areas.

**SECTION 117.2: CC (Convenience Center) District (DELETED)**

- This floating district is proposed to be deleted because it has not been successfully applied since it was adopted in the late 1980s.

**SECTION 117.3: OT (Office Transition) District**

- The OT District section fundamentally remains the same.

**SECTION 117.4: CCT (Community Center Transition) District**

**SECTION 118.0: B-1 (Business: Local) District**

**SECTION 119.0 B-2 (Business: General) District**

- In these sections there are mainly minor modifications to the permitted uses list to simplify and update certain commercial uses to match the new proposed defined terms.

**SECTION 120: SC (Shopping Center) District (DELETED)**

- This district only exists in two locations and can be replaced by the B-2 District, which fundamentally shares the same types of permitted uses. Therefore, it is considered redundant and is proposed to be deleted. The associated map amendments on the chart propose changing the Chatham Shopping Center and Dorsey Hall Village Center properties to B-2.

**SECTION 121.0: CEF (Community Enhancement) Floating District**

- The new CEF District was recently adopted in ZRA 143, which has an effective date of April 10, 2013. This new text is added unchanged.

**SECTION 121.1: CR (Commercial Redevelopment) Overlay District (NEW)**

- In response to a market study undertaken for the US Route 1 corridor, this new overlay district is proposed for a few targeted sites along the US 1 Corridor, as reflected in the map amendments chart, and is meant to encourage parcel consolidation and redevelopment of these prominent sites to achieve desired corridor improvements.



- If the CR Overlay District is approved by the County Council in the proposed locations, property owners or developers can submit an Optional Design Project plan based on relatively open and flexible design requirements. The approval of such a plan is done through an evaluation by the Planning Board, similar to what has successfully been done in the NT District for many years. In this manner, the focus is most appropriately placed on achieving the best development design, and for this purpose, the procedures include an evaluation by the Design Advisory Panel.

**SECTION 122.0: M-1 (Manufacturing: Light) District**

**SECTION 123.0: M-2 (Manufacturing: Heavy) District**

- The permitted uses list in both these districts are updated to include the newly defined terms for certain commercial and industrial uses, which as noted above are intended in order to simplify the regulations.

**SECTION 124.0: SW (Solid Waste) Overlay District**

- In the SW District section there are only some very minor updates based on changes elsewhere in the Zoning Regulations.

**SECTION 125.0: NT (New Town) District**

- There are no changes currently proposed for the NT District in the Comprehensive Zoning Plan. The NT District regulations cover a very large area of the County and it is widely acknowledged that major updates to these regulations are now required because the “original petitioner’s” role and responsibilities in creating Columbia are for all intents and purposes accomplished. Changes are needed to balance increased development flexibility with reasonable controls to permit the evolution of this historic and unique planned community. A market study is proposed to assist in determining the extent and nature of community evolution that should be accommodated. A workgroup will also be formed to consider the potential regulation amendments. The regulation amendments which are ultimately recommended will be proposed as a separate Zoning Regulation Amendment in the future.

**SECTION 126.0: PGCC (Planned Golf Course Community) District**

**SECTION 127.0: MXD (Mixed Use) Districts**

**SECTION 127.1: PSC (Planned Senior Community) District**

- In these sections there are some very minor updates based on changes elsewhere in the Zoning Regulations.
- In the PGCC District, enclosed kennels are added as a permitted use.
- In the MXD District, the “floating scale” for the MIHU requirement is replaced with a fixed percentage.

**SECTION 127.2: CE (Corridor Employment) District**

**SECTION 127.3: CLI (Continuing Light Industrial) Overlay District**

**SECTION 127.4: TOD (Transit Oriented Development) District**

**SECTION 127.5: CAC (Corridor Activity Center) District**

- The regulations in these US Route 1 Corridor districts need to be updated to make them more flexible in response to actual market conditions, especially the regulations related to the permitted uses and setbacks in the CE District, and permitted uses in the CAC District.
- In the CAC District, more flexibility in the required amount and vertical mixing of commercial space with residential space is proposed.
- In the CE, TOD, and CAC districts, the Amenity Area requirements are revised.
- In the CE District, Outdoor Storage Areas requirements are added.
- In the TOD District, a minimum residential density requirement of 25 dwelling units per net acre of residential development is added.

**SECTION 127.6: TNC (Traditional Neighborhood Center) Overlay District**

- Amendments to the TNC District were approved by the County Council on March 3, 2013 for Zoning Regulation Amendment ZRA 143. No additional revisions are proposed.

**SECTION 128.0: Supplementary Zoning District Regulations**

**Some of the most substantial changes and updates to the Zoning Regulations are in Section 128, which centralizes certain regulations that are applied across multiple zoning districts. The following are the major highlights of these changes and updates:**

- The criteria for the agriculturally-related uses which are currently allowed to be approved by permit are enhanced to balance flexibility and offer more predictability for farmers, while maintaining reasonable land use protections for neighbors.
- New agriculturally-related uses to be allowed by permit are added for Community Supported Agriculture, Food Hubs, and Riding Academies and Stables. Riding Academies and Stables currently is a Conditional Use category, but because this use is tied to farming, it is proposed to be subject to a simplified approval process.
- The Supplementary regulations are considerably revised to incorporate current interpretations and policies regarding the permissible size, number, and use of accessory structures, and also outdoor storage uses on residential lots.

**SECTION 128.0: Supplementary Zoning District Regulations**

- The regulations for home-based businesses are revised to clarify which business types are permitted and which are prohibited. Also, the approval of such home-based businesses would require a more stringent evaluation of businesses which have customers come to the home.
- The regulations for accessory apartments are clarified and now specify that permit approval is required, in order to better control the creation of non-compliant accessory apartments.
- The regulations for fences are very difficult to understand, even for people within the Department of Planning and Zoning. Simplified regulations for fences on residential properties are proposed in order to try to make them somewhat easier to understand.
- In an acknowledgement of a growing trend, regulations are added to allow suburban (i.e., non-farm) homeowners to keep a small number of hens. This is accomplished by defining the use, making it a permitted accessory use on residential lots or parcels in some residential districts, and establishing a new setback requirement for chicken coops, which would be less than currently required for livestock.
- Somewhat similarly, although the current regulations do allow for the potential for keeping livestock on properties that are really principally residential rather than principally a farm, they do not address the very practical consideration that smaller parcels of land have much less capacity to support livestock. New regulations are proposed to incorporate reasonable ratios of animals per acre, which is a common zoning practice. It should be emphasized that these requirements are only to be applied to Residential Lots and Parcels, but not properties that fall under the Farm definition.

**SECTION 129.0: Nonconforming Uses**

**SECTION 130.0: Hearing Authority**

- No significant changes proposed in these districts.

**SECTION 131.0: Conditional Uses**

**Like Section 128 above, substantial changes and updates to the Zoning Regulations are proposed in this section, which covers the Conditional Use procedures and the evaluation criteria for all Conditional Uses. Major highlights of these changes and updates:**

- A chart is proposed to show graphically which Conditional Use categories are permitted in every zoning district in which Conditional Uses are possible. This eliminates the repetitive lists in the individual zoning district sections, and becomes much easier to revise for any future amendments.

**SECTION 131.0: Conditional Uses**

- The General Standards used to evaluate all Conditional Use categories are modified and expanded in order to better ensure that Conditional Use proposals are compatible with, and do not negatively affect, the neighborhood in which they are proposed.
- A specification is added so that the Pre-submission Community meetings for Conditional Uses have to comply with the exact same procedures for such meetings as provided in the Subdivision and Land Development Regulations, in order to eliminate repetitious and sometimes conflicting requirements.
- Section 131.0.N, the list of permitted Conditional Use categories, is revised to clearly state which use categories are not permitted on Agricultural Land Preservation Easement properties, and also to establish a maximum acreage limit (2% of the property) for most Conditional Use categories which may be permitted on these Agricultural Land Preservation Easement properties.
- Section 131.0.N, the list of permitted Conditional Use categories, is also revised to improve the Specific Criteria for each category, so as to better ensure that Conditional Use proposals are compatible with, and do not negatively affect, the neighborhood in which they are proposed. Some examples of these are:
  - Establishing minimum lot size requirements for more use categories.
  - Expanding on the criteria for Home-Based Contractors.
  - Expanding on the criteria for Landscape Contractors.
  - Setting more precise standards for farm tenant houses to ensure that they are used for farm tenants only, as is intended.
  - Making the criteria for cell towers more appropriate in the West by requiring an evaluation concerning need.
- Various Section 131.0.N categories are also amended to make them more “farm-friendly” such as by expanding the Agribusiness use opportunities, and improving the criteria for an Animal Hospital to allow for the large animal vet practices that are necessary in rural areas.
- The types of uses permitted under the Outdoor Athletic Facility category are expanded.
- The now somewhat outdated use category for Gasoline Service Stations is proposed to be changed to become a new category for Motor Vehicle Fueling Facility that better reflects current trends to provide fuel sales, but not motor vehicle servicing.
- Two use categories are eliminated: Riding Academies and Stables because this use becomes a use approved through the Section 128.0 permit process, and Retail Nurseries because the market for this type of use has clearly shifted from the traditional rural nursery type to more commercial types associated with large stores.

**SECTION 131.0: Conditional Uses**

- A new subsection 131.0.O is proposed to be established, into which new Conditional Use categories that may be created by future Zoning Regulation Amendments can be placed. New future categories can then be numbered sequentially, rather than have to amend the numbering of uses in Section 131.0.N each time. These new categories would then be incorporated into Section 131.0.N with the next Comprehensive Zoning Plan.

**SECTION 132.0: Temporary Uses**

- The regulations for Temporary Uses are amended to clarify in which cases a Temporary Use extension is required to have a new public hearing rather than just an extension, and also to establish a new procedure to allow the approval of annually recurring Temporary Uses (especially for special events), in order to eliminate the need for annual, repetitive hearings.

**SECTION 133.0: Off-Street Parking and Loading Facilities**

- The proposed new Zoning Regulations modify and expand the off-street parking requirements to better reflect current trends, to account for certain more-modern uses that are not currently addressed, and to add new requirements for certain uses which are currently permitted by the Zoning Regulations, but which have never had specific minimum parking requirements established.

**SECTION 134.0: Outdoor Lighting**

- No changes proposed are proposed to this section at this time.

**V. MAP AMENDMENTS**

- **The opportunity to apply for map amendments was advertised on October 11, 2012 and the applications were accepted from October 15, 2012 to December 14, 2012. DPZ reviewed the applications in relation to PlanHoward 2030 and the surrounding land-use context, and eventually decided on the proposals that are recommended, as are shown on the Exhibit A chart, and decided on the proposals that are not recommended, as shown on the Exhibit B chart. The Exhibit A chart also includes map amendment proposals that were devised internally by DPZ.**

V. RECOMMENDATION                      *APPROVAL*

For the reasons noted above, the Department of Planning and Zoning recommends that the Comprehensive Zoning Plan be **APPROVED**.

  
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Marsha S. McLaughlin, Director                      3/7/12  
Date

MM/JRL/jrl

**NOTE: The files on this Comprehensive Zoning Plan are available for review at the Public Service Counter in the Department of Planning and Zoning.**